IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.6672 of 2005

The Union Education Society & ors. Petitioners
Vs.
Shri Mohamad Isak Mohamad Hussain
Jamadar & ors. Respondents

Mr.Bhushan Walimbe i/b. Mr.V.B.Naik for petitioner.

Mr.J.P.Kharpe i/b. Mr.Shrishail Sakhare for resp.no.1.

CORAM: B.H.MARLAPALLE, J.

April 27, 2007.

P.C.

. As per the order dated 29/6/2006 the petitioner - Society was granted liberty to move an application under Section 9A of CPC challenging the jurisdiction of the trial Court to entertain the suit on the ground of implied bar and accordingly an application at Exhibit 91 came to be filed in Regular Civil Suit No.963 of 2002. The trial Court has allowed the said application by its order dated 21/4/2007 and has further noted that on disposal of this petition further appropriate orders will be passed below Exhibit 1 in the said suit.

. As the trial Judge has held that the suit is

not maintainable before him, nothing further survives in the challenge raised in this petition. Hence, the petition is disposed as infructuous. The trial Court to pass consequent orders below Exhibit 1 in Regular Civil Suit No.963 of 2002 on or before 4th May 2007.

(B.H.MARL